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**SUBSTITUTE HOUSE BILL 3126**

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**State of Washington                      60th Legislature                      2008 Regular Session**

**By** House Finance (originally sponsored by Representatives Loomis, Orcutt, Hunter, McIntire, Priest, Roach, Condotta, Kelley, and Rolfes)

READ FIRST TIME 02/14/08.

1            AN ACT Relating to the interaction of the streamlined sales and use  
2 tax legislation and the power of local governments to license and tax;  
3 amending RCW 35.22.280, 35.23.440, 35.27.370, and 35.102.050; and  
4 adding a new section to chapter 35A.21 RCW.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6            **Sec. 1.** RCW 35.22.280 and 1993 c 83 s 4 are each amended to read  
7 as follows:

8            Any city of the first class shall have power:

9            (1) To provide for general and special elections, for questions to  
10 be voted upon, and for the election of officers;

11            (2) To provide for levying and collecting taxes on real and  
12 personal property for its corporate uses and purposes, and to provide  
13 for the payment of the debts and expenses of the corporation;

14            (3) To control the finances and property of the corporation, and to  
15 acquire, by purchase or otherwise, such lands and other property as may  
16 be necessary for any part of the corporate uses provided for by its  
17 charter, and to dispose of any such property as the interests of the  
18 corporation may, from time to time, require;

1 (4) To borrow money for corporate purposes on the credit of the  
2 corporation, and to issue negotiable bonds therefor, on such conditions  
3 and in such manner as shall be prescribed in its charter; but no city  
4 shall, in any manner or for any purpose, become indebted to an amount  
5 in the aggregate to exceed the limitation of indebtedness prescribed by  
6 chapter 39.36 RCW as now or hereafter amended;

7 (5) To issue bonds in place of or to supply means to meet maturing  
8 bonds or other indebtedness, or for the consolidation or funding of the  
9 same;

10 (6) To purchase or appropriate private property within or without  
11 its corporate limits, for its corporate uses, upon making just  
12 compensation to the owners thereof, and to institute and maintain such  
13 proceedings as may be authorized by the general laws of the state for  
14 the appropriation of private property for public use;

15 (7) To lay out, establish, open, alter, widen, extend, grade, pave,  
16 plank, establish grades, or otherwise improve streets, alleys, avenues,  
17 sidewalks, wharves, parks, and other public grounds, and to regulate  
18 and control the use thereof, and to vacate the same, and to authorize  
19 or prohibit the use of electricity at, in, or upon any of said streets,  
20 or for other purposes, and to prescribe the terms and conditions upon  
21 which the same may be so used, and to regulate the use thereof;

22 (8) To change the grade of any street, highway, or alley within its  
23 corporate limits, and to provide for the payment of damages to any  
24 abutting owner or owners who shall have built or made other  
25 improvements upon such street, highway, or alley at any point opposite  
26 to the point where such change shall be made with reference to the  
27 grade of such street, highway, or alley as the same existed prior to  
28 such change;

29 (9) To authorize or prohibit the locating and constructing of any  
30 railroad or street railroad in any street, alley, or public place in  
31 such city, and to prescribe the terms and conditions upon which any  
32 such railroad or street railroad shall be located or constructed; to  
33 provide for the alteration, change of grade, or removal thereof; to  
34 regulate the moving and operation of railroad and street railroad  
35 trains, cars, and locomotives within the corporate limits of said city;  
36 and to provide by ordinance for the protection of all persons and  
37 property against injury in the use of such railroads or street  
38 railroads;

1 (10) To provide for making local improvements, and to levy and  
2 collect special assessments on property benefited thereby, and for  
3 paying for the same or any portion thereof;

4 (11) To acquire, by purchase or otherwise, lands for public parks  
5 within or without the limits of such city, and to improve the same.  
6 When the language of any instrument by which any property is so  
7 acquired limits the use of said property to park purposes and contains  
8 a reservation of interest in favor of the grantor or any other person,  
9 and where it is found that the property so acquired is not needed for  
10 park purposes and that an exchange thereof for other property to be  
11 dedicated for park purposes is in the public interest, the city may,  
12 with the consent of the grantor or such other person, his heirs,  
13 successors, or assigns, exchange such property for other property to be  
14 dedicated for park purposes, and may make, execute, and deliver proper  
15 conveyances to effect the exchange. In any case where, owing to death  
16 or lapse of time, there is neither donor, heir, successor, or assignee  
17 to give consent, this consent may be executed by the city and filed for  
18 record with an affidavit setting forth all efforts made to locate  
19 people entitled to give such consent together with the facts which  
20 establish that no consent by such persons is attainable. Title to  
21 property so conveyed by the city shall vest in the grantee free and  
22 clear of any trust in favor of the public arising out of any prior  
23 dedication for park purposes, but the right of the public shall be  
24 transferred and preserved with like force and effect to the property  
25 received by the city in such exchange;

26 (12) To construct and keep in repair bridges, viaducts, and  
27 tunnels, and to regulate the use thereof;

28 (13) To determine what work shall be done or improvements made at  
29 the expense, in whole or in part, of the owners of the adjoining  
30 contiguous, or proximate property, or others specially benefited  
31 thereby; and to provide for the manner of making and collecting  
32 assessments therefor;

33 (14) To provide for erecting, purchasing, or otherwise acquiring  
34 waterworks, within or without the corporate limits of said city, to  
35 supply said city and its inhabitants with water, or authorize the  
36 construction of same by others when deemed for the best interests of  
37 such city and its inhabitants, and to regulate and control the use and  
38 price of the water so supplied;

1 (15) To provide for lighting the streets and all public places, and  
2 for furnishing the inhabitants thereof with gas or other lights, and to  
3 erect, or otherwise acquire, and to maintain the same, or to authorize  
4 the erection and maintenance of such works as may be necessary and  
5 convenient therefor, and to regulate and control the use thereof;

6 (16) To establish and regulate markets, and to provide for the  
7 weighing, measuring, and inspection of all articles of food and drink  
8 offered for sale thereat, or at any other place within its limits, by  
9 proper penalties, and to enforce the keeping of proper legal weights  
10 and measures by all vendors in such city, and to provide for the  
11 inspection thereof. Whenever the words "public markets" are used in  
12 this chapter, and the public market is managed in whole or in part by  
13 a public corporation created by a city, the words shall be construed to  
14 include all real or personal property located in a district or area  
15 designated by a city as a public market and traditionally devoted to  
16 providing farmers, crafts vendors and other merchants with retail space  
17 to market their wares to the public. Property located in such a  
18 district or area need not be exclusively or primarily used for such  
19 traditional public market retail activities and may include property  
20 used for other public purposes including, but not limited to, the  
21 provision of human services and low-income or moderate-income housing;

22 (17) To erect and establish hospitals and pesthouses, and to  
23 control and regulate the same;

24 (18) To provide for establishing and maintaining reform schools for  
25 juvenile offenders;

26 (19) To provide for the establishment and maintenance of public  
27 libraries, and to appropriate, annually, such percent of all moneys  
28 collected for fines, penalties, and licenses as shall be prescribed by  
29 its charter, for the support of a city library, which shall, under such  
30 regulations as shall be prescribed by ordinance, be open for use by the  
31 public;

32 (20) To regulate the burial of the dead, and to establish and  
33 regulate cemeteries within or without the corporate limits, and to  
34 acquire land therefor by purchase or otherwise; to cause cemeteries to  
35 be removed beyond the limits of the corporation, and to prohibit their  
36 establishment within two miles of the boundaries thereof;

37 (21) To direct the location and construction of all buildings in  
38 which any trade or occupation offensive to the senses or deleterious to

1 public health or safety shall be carried on, and to regulate the  
2 management thereof; and to prohibit the erection or maintenance of such  
3 buildings or structures, or the carrying on of such trade or occupation  
4 within the limits of such corporation, or within the distance of two  
5 miles beyond the boundaries thereof;

6 (22) To provide for the prevention and extinguishment of fires and  
7 to regulate or prohibit the transportation, keeping, or storage of all  
8 combustible or explosive materials within its corporate limits, and to  
9 regulate and restrain the use of fireworks;

10 (23) To establish fire limits and to make all such regulations for  
11 the erection and maintenance of buildings or other structures within  
12 its corporate limits as the safety of persons or property may require,  
13 and to cause all such buildings and places as may from any cause be in  
14 a dangerous state to be put in safe condition;

15 (24) To regulate the manner in which stone, brick, and other  
16 buildings, party walls, and partition fences shall be constructed and  
17 maintained;

18 (25) To deepen, widen, dock, cover, wall, alter, or change the  
19 channels of waterways and courses, and to provide for the construction  
20 and maintenance of all such works as may be required for the  
21 accommodation of commerce, including canals, slips, public landing  
22 places, wharves, docks, and levees, and to control and regulate the use  
23 thereof;

24 (26) To control, regulate, or prohibit the anchorage, moorage, and  
25 landing of all watercrafts and their cargoes within the jurisdiction of  
26 the corporation;

27 (27) To fix the rates of wharfage and dockage, and to provide for  
28 the collection thereof, and to provide for the imposition and  
29 collection of such harbor fees as may be consistent with the laws of  
30 the United States;

31 (28) To license, regulate, control, or restrain wharf boats, tugs,  
32 and other boats used about the harbor or within such jurisdiction;

33 (29) To require the owners of public halls or other buildings to  
34 provide suitable means of exit; to provide for the prevention and  
35 abatement of nuisances, for the cleaning and purification of  
36 watercourses and canals, for the drainage and filling up of ponds on  
37 private property within its limits, when the same shall be offensive to  
38 the senses or dangerous to health; to regulate and control, and to

1 prevent and punish, the defilement or pollution of all streams running  
2 through or into its corporate limits, and for the distance of five  
3 miles beyond its corporate limits, and on any stream or lake from which  
4 the water supply of said city is taken, for a distance of five miles  
5 beyond its source of supply; to provide for the cleaning of areas,  
6 vaults, and other places within its corporate limits which may be so  
7 kept as to become offensive to the senses or dangerous to health, and  
8 to make all such quarantine or other regulations as may be necessary  
9 for the preservation of the public health, and to remove all persons  
10 afflicted with any infectious or contagious disease to some suitable  
11 place to be provided for that purpose;

12 (30) To declare what shall be a nuisance, and to abate the same,  
13 and to impose fines upon parties who may create, continue, or suffer  
14 nuisances to exist;

15 (31) To regulate the selling or giving away of intoxicating, malt,  
16 vinous, mixed, or fermented liquors as authorized by the general laws  
17 of the state: PROVIDED, That no license shall be granted to any person  
18 or persons who shall not first comply with the general laws of the  
19 state in force at the time the same is granted;

20 (32) To grant licenses for any lawful purpose, and to fix by  
21 ordinance the amount to be paid therefor, and to provide for revoking  
22 the same(~~(:—PROVIDED, That)~~). However, no license shall be granted to  
23 continue for longer than one year from the date thereof. A city may  
24 not require a business to be licensed based solely upon registration  
25 under or compliance with the streamlined sales and use tax agreement;

26 (33) To regulate the carrying on within its corporate limits of all  
27 occupations which are of such a nature as to affect the public health  
28 or the good order of said city, or to disturb the public peace, and  
29 which are not prohibited by law, and to provide for the punishment of  
30 all persons violating such regulations, and of all persons who  
31 knowingly permit the same to be violated in any building or upon any  
32 premises owned or controlled by them;

33 (34) To restrain and provide for the punishment of vagrants,  
34 mendicants, prostitutes, and other disorderly persons;

35 (35) To provide for the punishment of all disorderly conduct, and  
36 of all practices dangerous to public health or safety, and to make all  
37 regulations necessary for the preservation of public morality, health,  
38 peace, and good order within its limits, and to provide for the arrest,

1 trial, and punishment of all persons charged with violating any of the  
2 ordinances of said city. The punishment shall not exceed a fine of  
3 five thousand dollars or imprisonment in the city jail for one year, or  
4 both such fine and imprisonment. The punishment for any criminal  
5 ordinance shall be the same as the punishment provided in state law for  
6 the same crime. Such cities alternatively may provide that violations  
7 of ordinances constitute a civil violation subject to monetary  
8 penalties, but no act which is a state crime may be made a civil  
9 violation;

10 (36) To project or extend its streets over and across any tidelands  
11 within its corporate limits, and along or across the harbor areas of  
12 such city, in such manner as will best promote the interests of  
13 commerce;

14 (37) To provide in their respective charters for a method to  
15 propose and adopt amendments thereto.

16 **Sec. 2.** RCW 35.23.440 and 1994 c 81 s 19 are each amended to read  
17 as follows:

18 The city council of each second-class city shall have power and  
19 authority:

20 (1) Ordinances: To make and pass all ordinances, orders, and  
21 resolutions not repugnant to the Constitution of the United States or  
22 the state of Washington, or the provisions of this title, necessary for  
23 the municipal government and management of the affairs of the city, for  
24 the execution of the powers vested in said body corporate, and for the  
25 carrying into effect of the provisions of this title.

26 (2) License of shows: To fix and collect a license tax, for the  
27 purposes of revenue and regulation, on theatres, melodeons, balls,  
28 concerts, dances, theatrical, circus, or other performances, and all  
29 performances where an admission fee is charged, or which may be held in  
30 any house or place where wines or liquors are sold to the  
31 participators; also all shows, billiard tables, pool tables, bowling  
32 alleys, exhibitions, or amusements.

33 (3) Hotels, etc., licenses: To fix and collect a license tax for  
34 the purposes of revenue and regulation on and to regulate all taverns,  
35 hotels, restaurants, banks, brokers, manufactories, livery stables,  
36 express companies and persons engaged in transmitting letters or

1 packages, railroad, stage, and steamboat companies or owners, whose  
2 principal place of business is in such city, or who have an agency  
3 therein.

4 (4) Peddlers', etc., licenses: To license, for the purposes of  
5 revenue and regulation, tax, prohibit, suppress, and regulate all  
6 raffles, hawkers, peddlers, pawnbrokers, refreshment or coffee stands,  
7 booths, or sheds; and to regulate as authorized by state law all  
8 tipling houses, dram shops, saloons, bars, and barrooms.

9 (5) Dance houses: To prohibit or suppress, or to license and  
10 regulate all dance houses, fandango houses, or any exhibition or show  
11 of any animal or animals.

12 (6) License vehicles: To license for the purposes of revenue and  
13 regulation, and to tax hackney coaches, cabs, omnibuses, drays, market  
14 wagons, and all other vehicles used for hire, and to regulate their  
15 stands, and to fix the rates to be charged for the transportation of  
16 persons, baggage, and property.

17 (7) Hotel runners: To license or suppress runners for steamboats,  
18 taverns, or hotels.

19 (8) License generally: To fix and collect a license tax for the  
20 purposes of revenue and regulation, upon all occupations and trades,  
21 and all and every kind of business authorized by law not heretofore  
22 specified(~~(:—PROVIDED, That)~~). However, on any business, trade, or  
23 calling not provided by law to be licensed for state and county  
24 purposes, the amount of license shall be fixed at the discretion of the  
25 city council, as they may deem the interests and good order of the city  
26 may require. A city may not require a business to be licensed based  
27 solely upon registration under or compliance with the streamlined sales  
28 and use tax agreement.

29 (9) Riots: To prevent and restrain any riot or riotous  
30 assemblages, disturbance of the peace, or disorderly conduct in any  
31 place, house, or street in the city.

32 (10) Nuisances: To declare what shall be deemed nuisances; to  
33 prevent, remove, and abate nuisances at the expense of the parties  
34 creating, causing, or committing or maintaining the same, and to levy  
35 a special assessment on the land or premises whereon the nuisance is  
36 situated to defray the cost or to reimburse the city for the cost of  
37 abating the same.

1 (11) Stock pound: To establish, maintain, and regulate a common  
2 pound for estrays, and to appoint a poundkeeper, who shall be paid out  
3 of the fines and fees imposed and collected of the owners of any  
4 animals impounded, and from no other source; to prevent and regulate  
5 the running at large of any and all domestic animals within the city  
6 limits or any parts thereof, and to regulate or prevent the keeping of  
7 such animals within any part of the city.

8 (12) Control of certain trades: To control and regulate  
9 slaughterhouses, washhouses, laundries, tanneries, forges, and  
10 offensive trades, and to provide for their exclusion or removal from  
11 the city limits, or from any part thereof.

12 (13) Street cleaning: To provide, by regulation, for the  
13 prevention and summary removal of all filth and garbage in streets,  
14 sloughs, alleys, back yards, or public grounds of such city, or  
15 elsewhere therein.

16 (14) Gambling, etc.: To prohibit and suppress all gaming and all  
17 gambling or disorderly houses, and houses of ill fame, and all immoral  
18 and indecent amusements, exhibitions, and shows.

19 (15) Markets: To establish and regulate markets and market places.

20 (16) Speed of railroad cars: To fix and regulate the speed at  
21 which any railroad cars, streetcars, automobiles, or other vehicles may  
22 run within the city limits, or any portion thereof.

23 (17) City commons: To provide for and regulate the commons of the  
24 city.

25 (18) Fast driving: To regulate or prohibit fast driving or riding  
26 in any portion of the city.

27 (19) Combustibles: To regulate or prohibit the loading or storage  
28 of gunpowder and combustible or explosive materials in the city, or  
29 transporting the same through its streets or over its waters.

30 (20) Property: To have, purchase, hold, use, and enjoy property of  
31 every name or kind whatsoever, and to sell, lease, transfer, mortgage,  
32 convey, control, or improve the same; to build, erect, or construct  
33 houses, buildings, or structures of any kind needful for the use or  
34 purposes of such city.

35 (21) Fire department: To establish, continue, regulate, and  
36 maintain a fire department for such city, to change or reorganize the  
37 same, and to disband any company or companies of the said department;

1 also, to discontinue and disband said fire department, and to create,  
2 organize, establish, and maintain a paid fire department for such city.

3 (22) Water supply: To adopt, enter into, and carry out means for  
4 securing a supply of water for the use of such city or its inhabitants,  
5 or for irrigation purposes therein.

6 (23) Overflow of water: To prevent the overflow of the city or to  
7 secure its drainage, and to assess the cost thereof to the property  
8 benefited.

9 (24) House numbers: To provide for the numbering of houses.

10 (25) Health board: To establish a board of health; to prevent the  
11 introduction and spread of disease; to establish a city infirmary and  
12 to provide for the indigent sick; and to provide and enforce  
13 regulations for the protection of health, cleanliness, peace, and good  
14 order of the city; to establish and maintain hospitals within or  
15 without the city limits; to control and regulate interments and to  
16 prohibit them within the city limits.

17 (26) Harbors and wharves: To build, alter, improve, keep in  
18 repair, and control the waterfront; to erect, regulate, and repair  
19 wharves, and to fix the rate of wharfage and transit of wharf, and levy  
20 dues upon vessels and commodities; and to provide for the regulation of  
21 berths, landing, stationing, and removing steamboats, sail vessels,  
22 rafts, barges, and all other watercraft; to fix the rate of speed at  
23 which steamboats and other steam watercraft may run along the  
24 waterfront of the city; to build bridges so as not to interfere with  
25 navigation; to provide for the removal of obstructions to the  
26 navigation of any channel or watercourses or channels.

27 (27) License of steamers: To license steamers, boats, and vessels  
28 used in any watercourse in the city, and to fix and collect a license  
29 tax thereon.

30 (28) Ferry licenses: To license ferries and toll bridges under the  
31 law regulating the granting of such license.

32 (29) Penalty for violation of ordinances: To provide that  
33 violations of ordinances with the punishment for any offense not  
34 exceeding a fine of five thousand dollars or imprisonment for more than  
35 one year, or both fine and imprisonment, but the punishment for any  
36 criminal ordinance shall be the same as the punishment provided in  
37 state law for the same crime. Alternatively, such a city may provide  
38 that a violation of an ordinance constitutes a civil violation subject

1 to monetary penalties or to determine and impose fines for forfeitures  
2 and penalties, but no act which is a state crime may be made a civil  
3 violation. A violation of an order, regulation, or ordinance relating  
4 to traffic including parking, standing, stopping, and pedestrian  
5 offenses is a traffic infraction, except that violation of an order,  
6 regulation, or ordinance equivalent to those provisions of Title 46 RCW  
7 set forth in RCW 46.63.020 remains a misdemeanor.

8 (30) Police department: To create and establish a city police; to  
9 prescribe their duties and their compensation; and to provide for the  
10 regulation and government of the same.

11 (31) Examine official accounts: To examine, either in open session  
12 or by committee, the accounts or doings of all officers or other  
13 persons having the care, management, or disposition of moneys,  
14 property, or business of the city.

15 (32) Contracts: To make all appropriations, contracts, or  
16 agreements for the use or benefit of the city and in the city's name.

17 (33) Streets and sidewalks: To provide by ordinance for the  
18 opening, laying out, altering, extending, repairing, grading, paving,  
19 planking, graveling, macadamizing, or otherwise improving of public  
20 streets, avenues, and other public ways, or any portion of any thereof;  
21 and for the construction, regulation, and repair of sidewalks and other  
22 street improvements, all at the expense of the property to be benefited  
23 thereby, without any recourse, in any event, upon the city for any  
24 portion of the expense of such work, or any delinquency of the property  
25 holders or owners, and to provide for the forced sale thereof for such  
26 purposes; to establish a uniform grade for streets, avenues, sidewalks,  
27 and squares, and to enforce the observance thereof.

28 (34) Waterways: To clear, cleanse, alter, straighten, widen, fill  
29 up, or close any waterway, drain, or sewer, or any watercourse in such  
30 city when not declared by law to be navigable, and to assess the  
31 expense thereof, in whole or in part, to the property specially  
32 benefited.

33 (35) Sewerage: To adopt, provide for, establish, and maintain a  
34 general system of sewerage, draining, or both, and the regulation  
35 thereof; to provide funds by local assessments on the property  
36 benefited for the purpose aforesaid and to determine the manner, terms,  
37 and place of connection with main or central lines of pipes, sewers, or  
38 drains established, and compel compliance with and conformity to such

1 general system of sewerage or drainage, or both, and the regulations of  
2 said council thereto relating, by the infliction of suitable penalties  
3 and forfeitures against persons and property, or either, for  
4 nonconformity to, or failure to comply with the provisions of such  
5 system and regulations or either.

6 (36) Buildings and parks: To provide for all public buildings,  
7 public parks, or squares, necessary or proper for the use of the city.

8 (37) Franchises: To permit the use of the streets for railroad or  
9 other public service purposes.

10 (38) Payment of judgments: To order paid any final judgment  
11 against such city, but none of its lands or property of any kind or  
12 nature, taxes, revenue, franchise, or rights, or interest, shall be  
13 attached, levied upon, or sold in or under any process whatsoever.

14 (39) Weighing of fuel: To regulate the sale of coal and wood in  
15 such city, and may appoint a measurer of wood and weigher of coal for  
16 the city, and define his duties, and may prescribe his term of office,  
17 and the fees he shall receive for his services: PROVIDED, That such  
18 fees shall in all cases be paid by the parties requiring such service.

19 (40) Hospitals, etc.: To erect and establish hospitals and  
20 pesthouses and to control and regulate the same.

21 (41) Waterworks: To provide for the erection, purchase, or  
22 otherwise acquiring of waterworks within or without the corporate  
23 limits of the city to supply such city and its inhabitants with water,  
24 and to regulate and control the use and price of the water so supplied.

25 (42) City lights: To provide for lighting the streets and all  
26 public places of the city and for furnishing the inhabitants of the  
27 city with gas, electric, or other light, and for the ownership,  
28 purchase or acquisition, construction, or maintenance of such works as  
29 may be necessary or convenient therefor: PROVIDED, That no purchase of  
30 any such water plant or light plant shall be made without first  
31 submitting the question of such purchase to the electors of the city.

32 (43) Parks: To acquire by purchase or otherwise land for public  
33 parks, within or without the limits of the city, and to improve the  
34 same.

35 (44) Bridges: To construct and keep in repair bridges, and to  
36 regulate the use thereof.

37 (45) Power of eminent domain: In the name of and for the use and  
38 benefit of the city, to exercise the right of eminent domain, and to

1 condemn lands and property for the purposes of streets, alleys, parks,  
2 public grounds, waterworks, or for any other municipal purpose and to  
3 acquire by purchase or otherwise such lands and property as may be  
4 deemed necessary for any of the corporate uses provided for by this  
5 title, as the interests of the city may from time to time require.

6 (46) To provide for the assessment of taxes: To provide for the  
7 assessment, levying, and collecting of taxes on real and personal  
8 property for the corporate uses and purposes of the city and to provide  
9 for the payment of the debts and expenses of the corporation.

10 (47) Local improvements: To provide for making local improvements,  
11 and to levy and collect special assessments on the property benefited  
12 thereby and for paying the same or any portion thereof; to determine  
13 what work shall be done or improvements made, at the expense, in whole  
14 or in part, of the adjoining, contiguous, or proximate property, and to  
15 provide for the manner of making and collecting assessments therefor.

16 (48) Cemeteries: To regulate the burial of the dead and to  
17 establish and regulate cemeteries, within or without the corporate  
18 limits, and to acquire lands therefor by purchase or otherwise.

19 (49) Fire limits: To establish fire limits with proper regulations  
20 and to make all needful regulations for the erection and maintenance of  
21 buildings or other structures within the corporate limits as safety of  
22 persons or property may require, and to cause all such buildings and  
23 places as may from any cause be in a dangerous state to be put in a  
24 safe condition; to regulate the manner in which stone, brick, and other  
25 buildings, party walls, and partition fences shall be constructed and  
26 maintained.

27 (50) Safety and sanitary measures: To require the owners of public  
28 halls, theaters, hotels, and other buildings to provide suitable means  
29 of exit and proper fire escapes; to provide for the cleaning and  
30 purification of watercourses and canals and for the draining and  
31 filling up of ponds on private property within its limits when the same  
32 shall be offensive to the senses or dangerous to the health, and to  
33 charge the expense thereof to the property specially benefited, and to  
34 regulate and control and provide for the prevention and punishment of  
35 the defilement or pollution of all streams running in or through its  
36 corporate limits and a distance of five miles beyond its corporate  
37 limits, and of any stream or lake from which the water supply of the  
38 city is or may be taken and for a distance of five miles beyond its

1 source of supply, and to make all quarantine and other regulations as  
2 may be necessary for the preservation of the public health and to  
3 remove all persons afflicted with any contagious disease to some  
4 suitable place to be provided for that purpose.

5 (51) To regulate liquor traffic: To regulate the selling or giving  
6 away of intoxicating, spirituous, malt, vinous, mixed, or fermented  
7 liquors as authorized by the general laws of the state.

8 (52) To establish streets on tidelands: To project or extend or  
9 establish streets over and across any tidelands within the limits of  
10 such city.

11 (53) To provide for the general welfare.

12 **Sec. 3.** RCW 35.27.370 and 1993 c 83 s 7 are each amended to read  
13 as follows:

14 The council of said town shall have power:

15 (1) To pass ordinances not in conflict with the Constitution and  
16 laws of this state, or of the United States;

17 (2) To purchase, lease or receive such real estate and personal  
18 property as may be necessary or proper for municipal purposes, and to  
19 control, dispose of and convey the same for the benefit of the town; to  
20 acquire, own, and hold real estate for cemetery purposes either within  
21 or without the corporate limits, to sell and dispose of such real  
22 estate, to plat or replat such real estate into cemetery lots and to  
23 sell and dispose of any and all lots therein, and to operate, improve  
24 and maintain the same as a cemetery;

25 (3) To contract for supplying the town with water for municipal  
26 purposes, or to acquire, construct, repair and manage pumps, aqueducts,  
27 reservoirs, or other works necessary or proper for supplying water for  
28 use of such town or its inhabitants, or for irrigating purposes  
29 therein;

30 (4) To establish, build and repair bridges, to establish, lay out,  
31 alter, widen, extend, keep open, improve, and repair streets,  
32 sidewalks, alleys, squares and other public highways and places within  
33 the town, and to drain, sprinkle and light the same; to remove all  
34 obstructions therefrom; to establish the grades thereof; to grade,  
35 pave, plank, macadamize, gravel and curb the same, in whole or in part,  
36 and to construct gutters, culverts, sidewalks and crosswalks therein,

1 or on any part thereof; to cause to be planted, set out and cultivated  
2 trees therein, and generally to manage and control all such highways  
3 and places;

4 (5) To establish, construct and maintain drains and sewers, and  
5 shall have power to compel all property owners on streets along which  
6 sewers are constructed to make proper connections therewith, and to use  
7 the same for proper purposes when such property is improved by the  
8 erection thereon of a building or buildings; and in case the owners of  
9 such improved property on such streets shall fail to make such  
10 connections within the time fixed by such council, they may cause such  
11 connections to be made, and to assess against the property in front of  
12 which such connections are made the costs and expenses thereof;

13 (6) To provide fire engines and all other necessary or proper  
14 apparatus for the prevention and extinguishment of fires;

15 (7) To impose and collect an annual license on every dog within the  
16 limits of the town, to prohibit dogs running at large, and to provide  
17 for the killing of all dogs found at large and not duly licensed;

18 (8) To levy and collect annually a property tax, for the payment of  
19 current expenses and for the payment of indebtedness (if any  
20 indebtedness exists) within the limits authorized by law;

21 (9) To license, for purposes of regulation and revenue, all and  
22 every kind of business, authorized by law and transacted and carried on  
23 in such town; and all shows, exhibitions and lawful games carried on  
24 therein and within one mile of the corporate limits thereof; to fix the  
25 rate of license tax upon the same, and to provide for the collection of  
26 the same, by suit or otherwise; to regulate, restrain, or prohibit the  
27 running at large of any and all domestic animals within the city  
28 limits, or any part or parts thereof, and to regulate the keeping of  
29 such animals within any part of the city; to establish, maintain and  
30 regulate a common pound for estrays, and to appoint a poundkeeper, who  
31 shall be paid out of the fines and fees imposed on, and collected from,  
32 the owners of any impounded stock. A city may not require a business  
33 to be licensed based solely upon registration under or compliance with  
34 the streamlined sales and use tax agreement;

35 (10) To improve the rivers and streams flowing through such town or  
36 adjoining the same; to widen, straighten and deepen the channels  
37 thereof, and to remove obstructions therefrom; to prevent the pollution  
38 of streams or water running through such town, and for this purpose

1 shall have jurisdiction for two miles in either direction; to improve  
2 the waterfront of the town, and to construct and maintain embankments  
3 and other works to protect such town from overflow;

4 (11) To erect and maintain buildings for municipal purposes;

5 (12) To grant franchises or permits to use and occupy the surface,  
6 the overhead and the underground of streets, alleys and other public  
7 ways, under such terms and conditions as it shall deem fit, for any and  
8 all purposes, including but not being limited to the construction,  
9 maintenance and operation of railroads, street railways, transportation  
10 systems, water, gas and steam systems, telephone and telegraph systems,  
11 electric lines, signal systems, surface, aerial and underground  
12 tramways;

13 (13) To punish the keepers and inmates and lessors of houses of ill  
14 fame, and keepers and lessors of gambling houses and rooms and other  
15 places where gambling is carried on or permitted, gamblers and keepers  
16 of gambling tables;

17 (14) To impose fines, penalties and forfeitures for any and all  
18 violations of ordinances, and for any breach or violation of any  
19 ordinance, to fix the penalty by fine or imprisonment, or both; but no  
20 such fine shall exceed five thousand dollars, nor the term of  
21 imprisonment exceed one year, except that the punishment for any  
22 criminal ordinance shall be the same as the punishment provided in  
23 state law for the same crime; or to provide that violations of  
24 ordinances constitute a civil violation subject to a monetary penalty,  
25 but no act which is a state crime may be made a civil violation;

26 (15) To operate ambulance service which may serve the town and  
27 surrounding rural areas and, in the discretion of the council, to make  
28 a charge for such service;

29 (16) To make all such ordinances, bylaws, rules, regulations and  
30 resolutions not inconsistent with the Constitution and laws of the  
31 state of Washington, as may be deemed expedient to maintain the peace,  
32 good government and welfare of the town and its trade, commerce and  
33 manufacturers, and to do and perform any and all other acts and things  
34 necessary or proper to carry out the provisions of this chapter.

35 **Sec. 4.** RCW 35.102.050 and 2003 c 79 s 5 are each amended to read  
36 as follows:

37 A city may not impose a business and occupation tax on a person

1 unless that person has nexus with the city. For the purposes of this  
2 section, the term "nexus" means business activities conducted by a  
3 person sufficient to subject that person to the taxing jurisdiction of  
4 a city under the standards established for interstate commerce under  
5 the commerce clause of the United States Constitution. Mere  
6 registration under or compliance with the streamlined sales and use tax  
7 agreement does not constitute nexus for the purposes of this section.

8 NEW SECTION. Sec. 5. A new section is added to chapter 35A.21 RCW  
9 to read as follows:

10 A code city may not require a business to be licensed based solely  
11 upon registration under or compliance with the streamlined sales and  
12 use tax agreement.

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